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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/274,941	03/23/1999	STEPHEN LEE SPEAR	CE03880R	9149

7590 08/25/2003

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EXAMINER

HYUN, SOON D

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/274,941

Applicant(s)

SPEAR ET AL.

Examiner

Soon-Dong Hyun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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### **DETAILED ACTION**

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in the last Office Action.

#### ***Claim Rejections - 35 U.S.C. § 102***

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lou et al U.S. Patent Number 6,370,666.

Re Claims 1, 18, fig. 2 teaches receiver 50 comprising channel decoders 64, 70 (Receiving & decoding plurality of streams) wherein the 64 is associated with audio (content), 70 is associated video (content) to be combine by Combiner 66 and formed at Speaker/Display 72 (See col. 5, lines 18-33) (multimedia) and the supporting network is the Internet (session) (See col. 1, line 28); each of the channel decoders 64, 70 perform FEC operations (layer 2 functionality).

Re Claims 2, 17, 20, 22, refer to Claim 1, wherein the network is wireless.

Re Claims 3, 4, refer to Claim 1, wherein the Internet supports wireless session for initiating transport of packets between receiver and transmitter (alerting a mobile).

Re Claims 5, 6, refer to Claim 1, initiating an IP session is deciding to enter multimedia mode wherein the session supports multimedia transmission.

Re Claims 7, 9 refer to Claim 5, wherein the intended use of the receiver 50 is to be connected to computer 72 wherein the computer includes a display and speaker.

Re Claims 8, 19, refer to Claim 5, wherein the IP session is over Internet (network).

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Re Claims 10-14, refer to Claim 9, it is inherent that the computer alerts the mobile to enter multimedia mode because the computer is directed connected to mobile for communicating an IP session.

Re Claims 15, 16, 21, 23, refer to Claim 1, wherein the program source splits the video and audio (14 & 16); channel coders 18, 22 (applying channel coding); transmitter 32.

Re Claim 24, refer to Claim 1, the wireless network includes plurality of base stations and controller for coverage.

Re Claims 25, 26, refer to Claim 1, wherein the inputs to 64, 70 are ports.

***Claim Rejections - 35 U.S.C. § 103***

3. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lou et al U.S. Patent Number 6,370,666.

Re Claim 27, Lou et al fails to explicitly teach the third data port. Examiner takes official notice that multimedia applications supports support various combination of video, voice and data. As Lou teaches transmitting voice and video, one skilled in the art would have been motivated to include data port to fig 2 to be adaptive to plurality of applications, such as data sharing. Therefore, it would have been obvious to one ordinary skilled to include the data port in Lou et al.

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***Response to Arguments***

4. Applicant's arguments filed 06/04/2003 have been fully considered but they are not persuasive.

Applicant argues that "in Lou, the lower layer protocols, that is Layer 1, Layer 2, , and Layer 3, are not aware of the contents of the data that they transfer, such as voice ,video, or data, and do not differentiate the lower layer services provided based on the contents of the data that is being concurrently transferred during a multimedia session, In fact Lou teaches nothing concerning the multiple data streams that are concurrently transferred during a multimedia session and as a result nowhere teaches the lower layers providing services such as channel coding and decoding, that are differentiated based on the contents of data that is being concurrently transferred during a multimedia session."

With reference col. 3, line 50- col. 5, line 21, Lou teaches multimedia broadcast signals of audio and video information generated by a program source, i.e., a plurality of streams which form a multimedia session as cited in the claims, and provides Layer 2 functionality (FEC coding and decoding) based on associated program source signal streams, i.e., based on contents of data.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., concurrently transfer and lower layers providing services) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)

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*Conclusion*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

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Any response to this final action should be mailed to:

Box AF

Commissioner for Patents

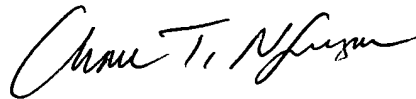
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Or faxed to: 703-872-9314 for formal communications intended for entry with a label of  
"EXPEDITED PROCEDURE" for informal or draft communications with a label of  
"PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

*y*  
S. Hyun

08/20/2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600